

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY L. CUMMINGS,

Plaintiff,

v.

FLINT POLICE DEPARTMENT, MICHAEL
TISDALE, JASON PLETCHER, and
DOUGLAS SANTIAGO,

Defendants.

Case Number 23-10514

Honorable David M. Lawson

Magistrate Judge Anthony P. Patti

ORDER STRIKING UNTIMELY OBJECTIONS

On January 11, 2024, Magistrate Judge Kimberly G. Altman issued a report pursuant to 28 U.S.C. § 636(b) recommending that the Court grant the defendants' motions to dismiss, dismiss Counts I, II, and III of the complaint with prejudice, and dismiss Counts IV and V without prejudice. The report advised the parties that they could file objections within 14 days after service, as provided by Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d). On February 6, 2024 — 26 days after the report was issued and served — the Court, having received no objections, entered an order adopting the recommendation and dismissing the case.

Two weeks after the case was dismissed, on February 20, 2024, the Clerk of Court received the plaintiff's "objections" to the report and recommendation and his "notice of change of address." The Court issued a notice at the outset of this case advising the parties that "you are required, pursuant to E.D. Mich. LR 11.2, to promptly file a notice with the Clerk and serve a copy of the notice on all parties whenever your address, e-mail address, phone number and/or other contact information changes." Notice Regarding Parties' Responsibility to Notify Court of Address Changes, ECF No. 7. The Court notes that the recently submitted notice of address change

was not presented to the Court until 40 days after the report was issued, and more than two weeks after the Court's ruling was issued. The plaintiff's objections were filed well beyond the 14-day window for presenting objections. The plaintiff's failure to present timely objections releases the Court from its duty to independently review the matter, *Thomas v. Arn*, 474 U.S. 140, 149 (1985), and waives any further right to appeal, *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). The case already has been dismissed and the file closed. The Court therefore will strike the untimely objections.

Accordingly, it is **ORDERED** that the plaintiff's untimely objections (ECF No. 50) are **STRICKEN**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 22, 2024